

House Bill 1205

By: Representatives Franklin of the 43<sup>rd</sup>, Stephens of the 164<sup>th</sup>, Rice of the 51<sup>st</sup>, Scott of the 2<sup>nd</sup>, Maxwell of the 17<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 40-2-86.3 of the Official Code of Georgia Annotated, relating to license plates commemorating Civil War battlefields and historic sites, so as to include the Sons of Confederate Soldiers license plate; to provide for a portion of the revenue to go to the Civil War Commission; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such special license plates; to provide for related matters; to provide a contingent effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 40-2-86.3 of the Official Code of Georgia Annotated, relating to license plates commemorating Civil War battlefields and historic sites, is amended by striking it in its entirety and substituting in its place the following:

"40-2-86.3.

(a) Subject to subsection (d) of this Code section, motor vehicle owners who are residents of the State of Georgia, upon application therefor and upon full compliance with the state motor vehicle laws in relation to registration and licensing of motor vehicles and upon payment of the regular motor vehicle registration fee and an additional initial fee of \$25.00, shall be issued a license plate commemorating the Sons of Confederate Soldiers or Civil War battlefields and historic sites in this state. A county name decal shall be affixed and displayed on each license plate issued under this Code section.

(b) Notwithstanding the foregoing provisions of this Code section, this Code section shall not be implemented until such time as the State of Georgia has, through a licensing agreement or otherwise, received such licenses or other permissions as may be required to implement this Code section. The design of the initial edition of the license plates, as well as the design of subsequent editions and excepting only any part or parts of the designs

owned by others and licensed to the state, shall be owned solely by the State of Georgia for its exclusive use and control, except as authorized by the commissioner. The commissioner may take such steps as may be necessary to give notice of and protect such right, including the copyright or copyrights. However, such steps shall be cumulative of the ownership and exclusive use and control established by this subsection as a matter of law, and no person shall reproduce or otherwise use such design or designs, except as authorized by the commissioner.

~~(b)~~(c) The license plate issued pursuant to this Code section shall be transferred between vehicles as provided in Code Section 40-2-80.

~~(c)~~(d) Special license plates issued under this Code section shall be renewed annually with a revalidation decal as provided in Code Section 40-2-31 upon payment of an additional \$25.00 annual registration fee, which fee shall be collected by the county tag agent at the time of collection of other registration fees and remitted to the state as provided in Code Section 40-2-34.

~~(d)~~(e) Each application for a special license plate under this Code section along with all fees required by subsection (a) of this Code section shall be submitted directly to the Civil War Commission established by Ga. L. 1993, p. 1952, which shall retain all applications thereby received for such special license plates until a minimum of 500 applications has been received, whereupon the applications and fees shall be transmitted to the commissioner. After the receipt of 500 applications for such special license plates, the commissioner will then design the special license plate. If the commissioner does not receive the required minimum of 500 applications for special license plates under this Code section no later than July 31 of the year preceding the year of issuance of such plates, no such special plates shall be issued and all fees shall be refunded no later than 30 days thereafter to applicants by the Civil War Commission. All license plates issued pursuant to this Code section shall be issued in compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles as prescribed in this article.

~~(e)~~(f) The provisions of subsection ~~(d)~~(e) of this Code section notwithstanding, the Civil War Commission may impose a nonrefundable surcharge to be paid directly to the Civil War Commission by an applicant at the time of application which shall not exceed \$20.00 per application; provided, however, that funds generated by any such surcharges shall be expended by the Civil War Commission only for the acquisition of Civil War battlefields in this state and associated Civil War historic sites in this state and for the maintenance, protection, and interpretation of the same as provided by Ga. L. 1993, p. 1952."

## SECTION 2.

H. B. 1205

- 1 (a) This Act shall become effective on July 1, 2006, except as otherwise provided in  
2 subsection (b) of this section.
- 3 (b) If an amendment to the Constitution of the State of Georgia authorizing the donation of  
4 revenue from sales of special license plates to the Civil War Commission is not ratified at the  
5 general election in 2006, this Act shall be repealed in its entirety on January 1, 2007, and no  
6 such motor vehicle license plates shall be issued pursuant to this Act.

7 **SECTION 3.**

- 8 All laws and parts of laws in conflict with this Act are repealed.